

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>TYLER SETH DUSTIN PAYNE,</b>	)	<b>CASE NO. 1:18CV302</b>
	)	
<b>Petitioner,</b>	)	<b>SENIOR JUDGE</b>
	)	<b>CHRISTOPHER A. BOYKO</b>
<b>vs.</b>	)	
	)	
<b>BRIGHAM SLOAN, Warden,</b>	)	<b>MEMORANDUM OF</b>
	)	<b>OPINION AND ORDER</b>
<b>Respondent.</b>	)	

**CHRISTOPHER A. BOYKO, S.J.:**

This matter is before on the court on Magistrate Judge Thomas M. Parker’s Report and Recommendation (Doc. 54) to deny Petitioner Payne’s Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) as procedurally defaulted and/or meritless. Objections to the Report and Recommendation were due by March 30, 2021.<sup>1</sup> Petitioner has not filed an objection to the Report and Recommendation.

Federal Rule of Civil Procedure 72(b) provides that objections to a report and recommendation must be filed within fourteen days after service. FED. R. CIV. P. 72(b)(2). Petitioner has failed to timely file any such objection. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge’s recommendation. Any further review by this Court would be duplicative and an inefficient use of the Court’s limited resources. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

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<sup>1</sup> The Objection deadline had been extended numerous times by the Court. The final extension stemmed from this Court’s denial of Petitioner’s evidentiary motions and objections. The Court then ordered Petitioner to provide substantive objections to the Report and Recommendation by March 30, 2021. (*See* Doc. 61).

Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge (Doc. 54); **DISMISSES** Petitioner's Grounds for Relief as either procedurally default and/or meritless; and **DENIES** the Petition for a Writ of Habeas Corpus (Doc. 1).

The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3). Since Petitioner has not made a substantial showing of a denial of a constitutional right directly related to his conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); FED. R. APP. P. 22(b); Rule 11 of Rules Governing § 2254 Cases.

**IT IS SO ORDERED.**

s/ Christopher A. Boyko  
**CHRISTOPHER A. BOYKO**  
**Senior United States District Judge**

**Dated: July 14, 2021**